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Planning Commission Study Session

TO: PLANNING COMMISSION

FROM: AL WARD, AICP, SENIOR PLANNER, 480-503-6748
AL.WARD@GILBERTAZ.GOV *aw*

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER 480-503-6016
CATHERINE.LORBEER@GILBERTAZ.GOV *ajl*

MEETING DATE: FEBRUARY 5, 2014

SUBJECT: UP13-24: DUNKIN DONUTS: REQUEST TO APPROVE A
CONDITIONAL USE PERMIT FOR APPROXIMATELY 1.35 ACRES OF
REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF
HIGLEY AND RAY ROAD TO ALLOW LIMITED SERVICE
RESTAURANTS WITH EXTENDED HOURS OF OPERATION IN
NEIGHBORHOOD COMMERCIAL (NC) ZONING DISTRICT,
SUBJECT TO CONDITIONS OF SITE PLAN, CIRCULATION, AND
COMPATIBILITY WITH ADJOINING USES.

STRATEGIC INITIATIVE:	Economic Development
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Allow for a variety of commercial uses in the Town and allow new limited service restaurants, in the Neighborhood Commercial (NC) zoning district.
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RECOMMENDED MOTION

NO MOTION REQUESTED; THE REQUEST IS FOR THE INFORMATION AND DIRECTION OF THE PLANNING COMMISSION AND WILL RETURN TO A SUBSEQUENT PUBLIC HEARING.

APPLICANT/OWNER

Bar Napkin Productions, LLC.
Haley Balzano
808 E. Osborn Rd., Suite 101
Phoenix, AZ 85014
V: 602-292-9494
hayley@bnp-llc.com

Camelback Partners Group LLC.
Aaron Klusman
450N. McClintock Dr., Suite 102
Chandler, AZ 85226
V: 602-980-4184
E: aklusman@camelbackpartners.com

BACKGROUND/DISCUSSION

History

Date

July 22, 2003 Town Council approved A02-18 (Ord. #1500), annexing the overall 568 acre Lyons Gate Development, including the subject site.

July 22, 2003 Town Council approved GP02-12 and Z02-32 to establish the Land Use Category and Zoning districts for the 568 acre Lyons Gate Development.

Dec. 14, 2006 Design Review Board approved DR06-29 Higley Court, a two building, 12,205 sq. ft. specialty retail shops project on this property, however, no development has occurred and the approval has expired.

Overview

The approximate 1.35 acre site is undeveloped site at the southeast corner of Higley and Ray Roads is zoned Neighborhood Commercial (NC) Planned Area Development zoning district. The request is to develop two Limited Service Restaurants with extended hours of operation, requiring a Conditional Use Permit. The new user is Dunkin Donuts and 2nd smaller limited service restaurant Zoyo's Neighborhood Yogurt, proposed in a new 3,700 sq. ft. building with parking lot and drive-through lane and open space area.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Category	Existing Zoning
North	Shopping Center	Shopping Center, north of Ray Road, Higley and Ray Commercial Center.
South	Residential >3.5-5 DU/AC	Multi-family/ Medium-(MF/M) PAD, Alexon Apartments on Ray Road, at Lyons Gate
East	Residential >3.5-5 DU/AC	Multi-family/ Medium-(MF/M) PAD, Alexon Apartments on Ray Road At Lyons Gate
West	Shopping Center	Shopping Center, West of Higley Road
Site	Neighborhood Commercial	Neighborhood Commercial (NC) PAD, vacant

Site Plan:

The new design for the Dunkin Donuts and smaller Zoyo's Neighborhood Yogurt are both limited service restaurants. The commercial site contains existing right-in, right out accesses from both Higley Road to the west and Ray Road to the north. No vehicle access is provided to the adjacent Alexon Apartments complex along the east and south sides of the site. The proposed rectangular retail building will have the longest side facing west toward Higley Road to with a narrower portion oriented toward Ray Road to the north. The entrances to the restaurants will be located along the west side of the building. Dunkin Donuts will comprise approximately 2,200 sq. ft. and Zoyo's Yogurt about 1,500 sq. ft. The request is to include a Drive-Through lane along the east side (rear) of the building with the menu board, order station and pay and pick-up window along the east side of the building.

The drive-through lane will maintain the minimum required, 50 ft. residential property setback distance along the east and south sides and contains stacking for 7 vehicles, including the pick-up window space. Zoyo's does not access the drive-through lane and Duncan Donuts will include the entire north and east sides of the building. Full 2-way access is provided around the building and parking is provided along the west and east sides of the property. A total of 38 parking spaces are required and 37 spaces are provided. Large, 350 sq. ft. outdoor patios are provided along the northwest and south sides of the building to serve Dunkin Donuts and Zoyo's, respectively. The Traffic Engineering Department has tentatively indicated that the site accesses, vehicle circulation and drive-through lane appear satisfactory. The nearest distance of the adjoining apartment buildings from the drive-through lane is about 120 ft. to the south and 128 ft. to the east.

The request is for extended Hours of Operation, beyond the standard 6 AM to 11 PM, required in the Neighborhood Commercial district. The applicant is requesting extended hours in the morning, with operations to commence at 4 AM to accommodate the early cooking and nature of the restaurant for breakfast items.

The site provides the required 50 by 250 ft. arterial intersection open space and also maintains the minimum 15 ft. landscape areas adjacent to the apartment center to the south and east.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing will be published in a newspaper and official notice will be posted on the site and notification sent to adjoining property owners at the time of the public hearings on this case.

CONFORMANCE WITH GENERAL PLAN

The proposed use conforms to the General Plan land use category, which is Neighborhood Commercial.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” Pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site on May 30, 2012, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

STAFF REQUEST

Staff requests Planning Commission input and direction.

Respectfully submitted,

Al Ward, AICP
Senior Planner

Attachments:

1. Vicinity Map
2. Aerial Photo
3. Site Plan
4. Project Narrative

UP13-24

Vicinity Map

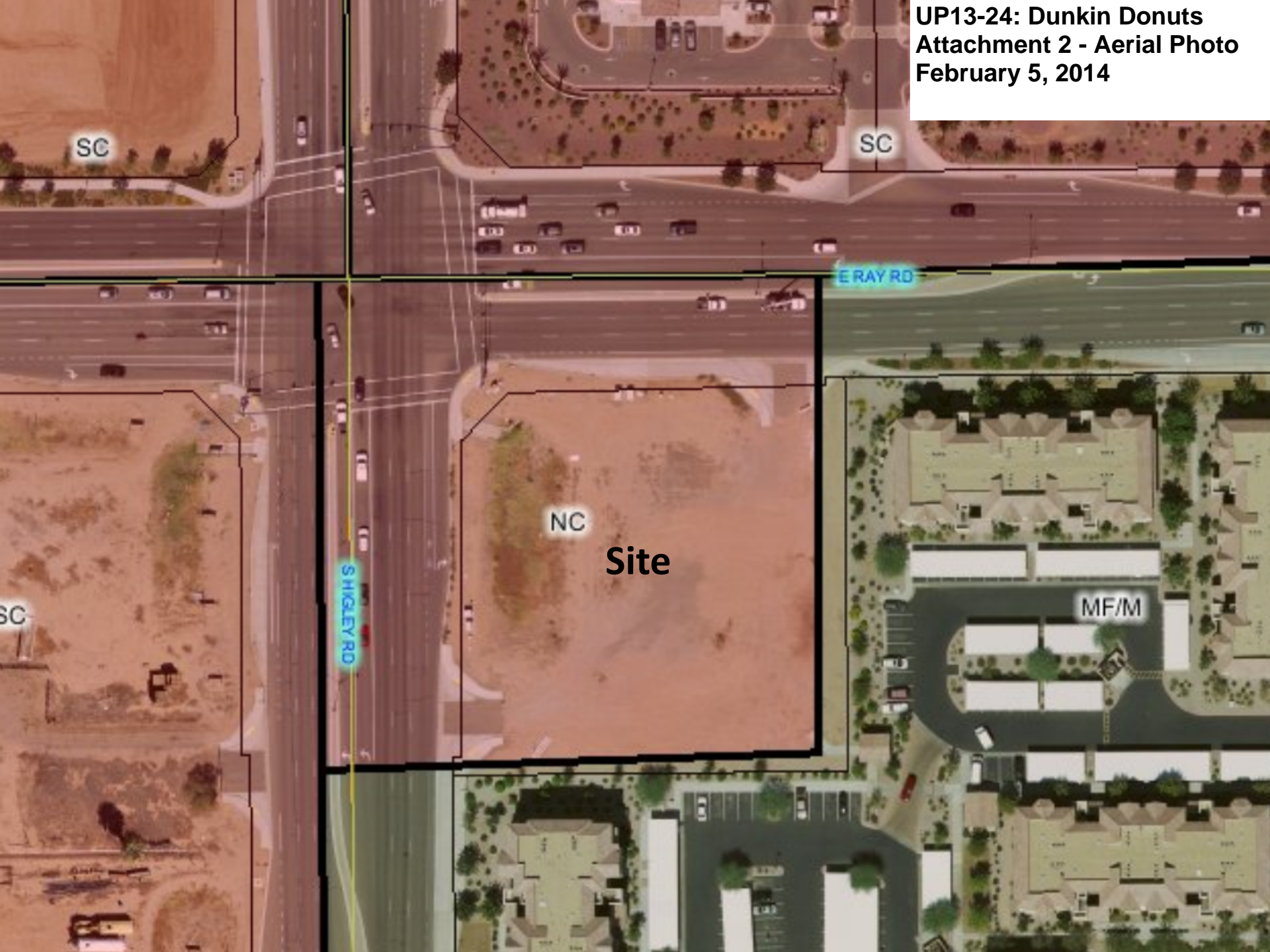
SITE LOCATION:



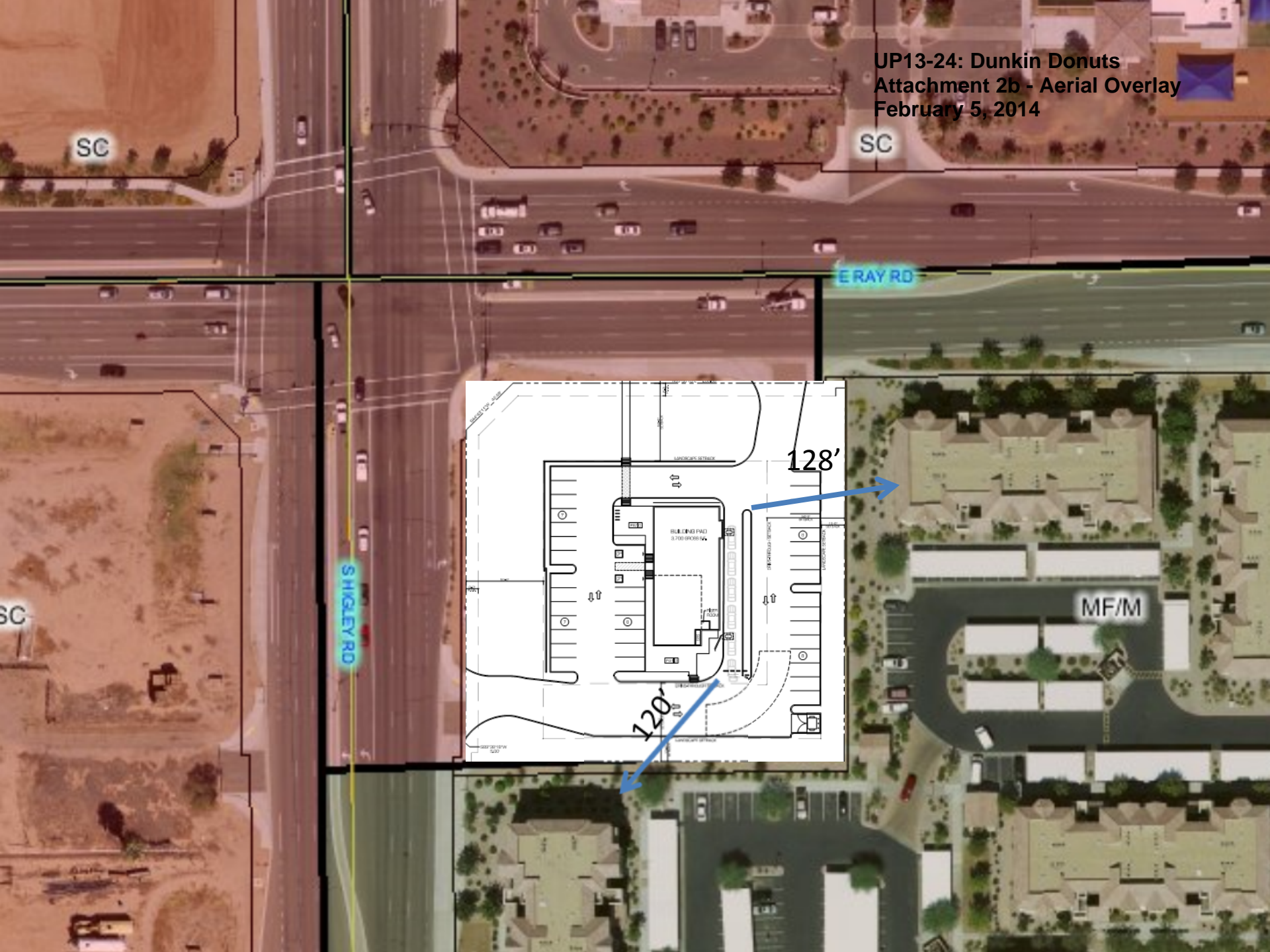
TOWN OF GILBERT

0 165 330 660 Feet





UP13-24: Dunkin Donuts
Attachment 2b - Aerial Overlay
February 5, 2014



SC

SC

E RAY RD

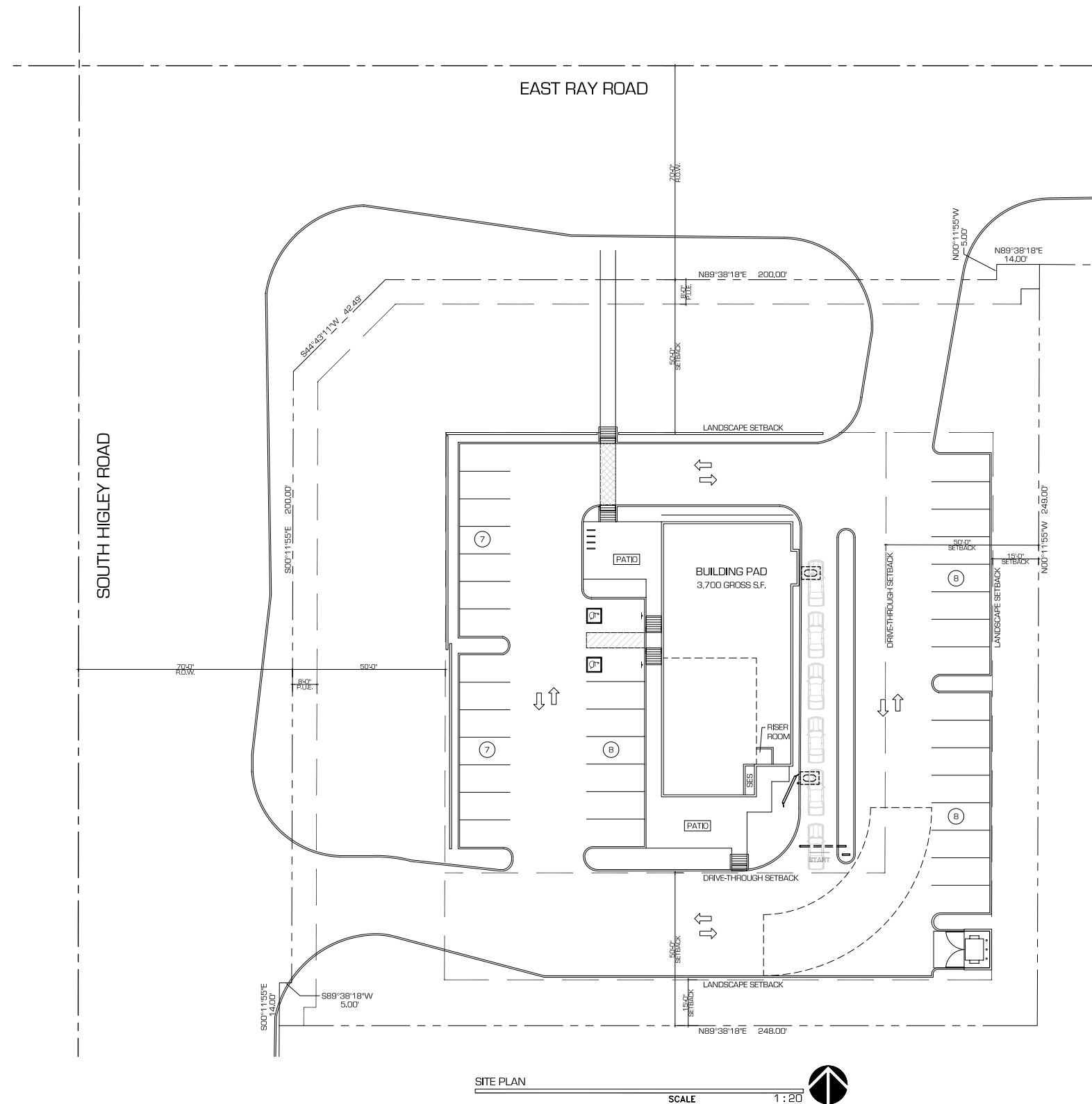
S MINGLEY RD

SC

MF/M

128'

120'



PROJECT DATA

PARCEL: 304-39-016W
LOT SIZE: 1.36 ACRES (59,140 SF)
ZONING: NC
SCOPE: NEW RESTAURANT WITH DRIVE-THRU
& RETAIL

PARKING CALCULATIONS

PER TABLE 4.204 OF THE TOWN OF GILBERT
LAND DEVELOPMENT CODE

RESTAURANT

INTERIOR AREA - 3,700 SF/100; 37 SPACES
PATIO DINING AREA - 400 SF/400; 1 SPACE

TOTAL REQUIRED: 38 SPACES (36 REGULAR + 2 ADA)
TOTAL PROVIDED: 38 SPACES (36 REGULAR + 2 ADA)



bar napkin productions, llc
808 e osborn rd . suite #101
phoenix, az 85014
602.492.9494
www.bnp-llc.com



DUNKIN
DONUTS
STORE #: PC-

PROJECT LOCATION

1633 S. HIGLEY RD.
GILBERT, AZ 85296

ISSUE DATE _____

DR PRE APP SUBMITTAL 11.21.13
DR PRE APP COMMENTS 01.15.13

SITE PLAN

BN1171

SP-1



Date: 12.13.13

To: Town of Gilbert

Project Narrative:

We are proposing a new 3,600 sf building on the SEC of Ray Rd. and Higley Rd. The current zoning for this site is NC which permits limited service restaurants as conditional uses and will require a Use Permit. The Use Permit will be required to also allow any extended hours beyond the standard 6am to 11pm times and to permit a drive thru for the Dunkin Donuts.

The building will be retro inspired and will provide for multiple tenants which will be restaurant uses. The primary tenant will be a Dunkin Donuts restaurant, which will include a drive-thru along the East side. The site will be designed with adherence to the LDC as provided by the Town of Gilbert.

A DRB will also be required for this site which will include a site plan, Landscape plan, grading and drainage plan, elevations, building materials, building colors and lighting. Signage may be submitted separately or with this DRB.